

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: SCHLIEINGER et al.

Group Art Unit: 3733

Application No.: 10/590,125

Confirmation No.: 4059

Filed: August 18, 2006

Examiner: TBA

For: INTRAMEDULLARY NAIL

Attorney Docket No.: 8932-1236-999

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
§ 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

E-File

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements ("the Notification") dated April 30, 2007, in connection with the above-identified application, Applicants submit herewith: (1) a Declaration and Power of Attorney executed by the inventors Andre Schlienger, Markus Buettler and Peter Senn, and (2) a copy of The Notification of Missing Requirements.

In accordance with the Notification, the fee required for filing the Declaration For Non-Provisional Patent Application is estimated to be \$130.00. Please charge this fee and any additional fees required to comply with the Notification to Jones Day Deposit Account No. 50-3013. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: June 4, 2007

Thomas P. Scully

Thomas P. Scully (Reg. No. 45,086)
JONES DAY
222 East 41st Street
New York, NY 10017
(212) 326-3939

Enclosures

NYI-3995504v1
232200 - 999313



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,125	Andre Schlienger	8932-1236-999
INTERNATIONAL APPLICATION NO.		
PCT/CH04/00094		
I.A. FILING DATE		PRIORITY DATE
02/23/2004		
CONFIRMATION NO. 4059		
371 FORMALITIES LETTER		
 *OC00000023595565*		

Date Mailed: 04/30/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/18/2006
- Copy of the International Search Report filed on 08/18/2006
- Copy of IPE Report filed on 08/18/2006
- Preliminary Amendments filed on 08/18/2006
- Information Disclosure Statements filed on 08/18/2006
- Oath or Declaration filed on 08/18/2006
- U.S. Basic National Fees filed on 08/18/2006
- Specification filed on 08/18/2006
- Claims filed on 08/18/2006
- Abstracts filed on 08/18/2006
- Drawings filed on 08/18/2006

MAY - 7 2007
Thomas Schlienger
 Oath/Decl/Fee due
 6/30/07

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,125	PCT/CH04/00094	8932-1236-999

FORM PCT/DO/EO/905 (371 Formalities Notice)